

### **REMARKS**

This Amendment is in response to the Office Action mailed September 24, 2004. A Petition for Extension of Time, with a check including the requisite three-month extension fee of \$1,020.00, is submitted herewith. In the event any additional fees are necessary in connection with the present Amendment, kindly charge the cost thereof to our Deposit Account No. 13-2855.

### **Status of Claims**

Claims 1-21 are pending in this application. Claim 13 is now amended to recite "Device for sterilization of packaging containers..." instead of "Device for sterilization of packing containers...".

### **35 U.S.C. § 103 Rejections**

Claims 1, 4-5, 12-16 and 21 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicants' admitted prior art in view of Schmidt, U.S. Patent No. 5,957,143. Schmidt deals with a process merely for the mechanical cleaning of reusable containers. In such mechanical cleaning processes as disclosed in Schmidt, there is no allowance or provision for the sterilization of containers, to which Applicants' claims are directed. The Schmidt reference is directed to a pre-cleaning of bottles, but not *sterilization* of bottles. As is appreciated by those skilled in the art, sterilization is a process aimed at removing or killing all forms of microorganisms, including bacterial spores. It is respectfully submitted that Schmidt is directed to non-analogous art, and as such, would not be considered by one ordinarily skilled in the art seeking to solve the problems the Applicants faced.

According to the Office Action, Schmidt shows nozzles directed vertically downward onto the bottles. However, the nozzles shown in Schmidt are not "mixing nozzles" as recited in Applicants' claims, or two- nozzles, but rather, are simple injection nozzles or single-component nozzles. It is therefore respectfully submitted that the even if the art described in

the Background of the Invention section of Applicants' specification were combined with Schmidt, the combination would not result in what is claimed in claims 1 and 13, or the claims depending therefrom. Schmidt further shows a separate mixing device 12, merging water and two liquid components at a mixing point 21. From there, the mixture is fed via a pipe 27 and valves 28, 29, 30 to the injection nozzles 9, 10, 11.

Conventional sterilization processes and devices like Schmidt involve the mixing of liquid sterilant with steam and/or hot air, with such mixing being performed in a chamber or the like. The mixture is guided from the chamber, via long pipes, to the packaging container to be sterilized. This arrangement results in various disadvantages, such as poor dosing, complex structure, and condensation of the mixture within the pipes. By eliminating the need for pipes, valves, or single-component nozzles to carry the mixture from a chamber to the packaging container to be sterilized, Applicants have developed a method and device which advantageously overcomes each of these disadvantages. It is therefore respectfully submitted that a prima facie case of obviousness has not been established.

Claim 2 was rejected as allegedly being unpatentable over Applicants' admitted prior art in view of Schmidt, U.S. Patent No. 5,957,143, and further in view of Pflug et al., U.S. Patent No. 5,525,295. In view of the foregoing arguments concerning claim 1, which are incorporated herein by reference, from which claim 2 depends, it is respectfully submitted that claim 2 is likewise not rendered obvious by the suggested combination of Applicants' admitted prior art in view of Schmidt, and in further view of Pflug et al.

Claims 3 and 6-8 were rejected as allegedly being unpatentable over Applicants' admitted prior art in view of Schmidt, U.S. Patent No. 5,957,143, and further in view of Taggart et al., U.S. Patent No. 6,702,985. The arguments set forth above with regard to claim 1, from which claims 3 and 6-8 depend, are fully incorporated herein by reference. In view of such arguments, it is respectfully submitted that claims 3 and 6-8 are likewise not rendered

obvious by the suggested combination of Applicants' admitted prior art in view of Schmidt, and further in view of Taggart et al.

Claims 10-11 and 17-19 were rejected as allegedly being unpatentable over Applicants' admitted prior art in view of Schmidt, U.S. Patent No. 5,957,143, and further in view of Kronseder, U.S. Patent No. 5,598,859. The arguments set forth above with regard to claim 1, from which claims 10-11 depend, as well as to claim 13, from which claims 17-19 depend, are fully incorporated herein by reference. In view of such arguments, it is respectfully submitted that claims 10-11 and 17-19 are likewise not rendered obvious by the suggested combination of Applicants' admitted prior art in view of Schmidt, and further in view of Kronseder et al.

Claim 9 was rejected as allegedly being unpatentable over Applicants' admitted prior art in view of Schmidt, U.S. Patent No. 5,957,143, and further in view of Gudz et al., U.S. Patent No. 3,739,790. The arguments set forth above with regard to claim 1, from which claim 9 depends, are fully incorporated herein by reference. In view of such arguments, it is respectfully submitted that claim 9 is likewise not rendered obvious by the suggested combination of Applicants' admitted prior art in view of Schmidt, and further in view of Gudz et al. Furthermore, like Schmidt, Gudz et al. is a disclosure of an apparatus merely for washing containers. One of ordinary skill in the art, looking for an improved solution to problems concerning sterilization of packaging containers, would not look to the washing apparatus of Schmidt or Gudz et al., whether alone or in combination with one another and/or the Applicants' admitted prior art. As such, it is respectfully submitted that Gudz et al. is non-analogous art and should not be relied upon as a reference under 35 U.S.C. § 103.

Claim 20 rejected as allegedly being unpatentable over Applicants' admitted prior art in view of Schmidt, U.S. Patent No. 5,957,143, and further in view of Taggart et al., U.S. Patent No. 6,702,985 and Rouillard, U.S. Patent No. 5,849,095. The arguments set forth

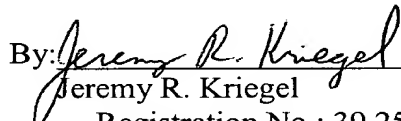
above with regard to claim 13, from which claim 20 depends, are fully incorporated herein by reference. In view of such arguments, it is respectfully submitted that claim 20 is likewise not rendered obvious by the suggested combination of Applicants' admitted prior art in view of Schmidt, and further in view of Taggart et al. and Rouillard.

The Examiner's reconsideration and favorable action are respectfully solicited. It is noted that the Applicants' priority European application has now issued as European Patent No. EP 1 144 016 B1. The Examiner's attention is directed to a Supplemental Information Disclosure Statement submitted herewith. The Examiner's consideration of each of the references cited therein is respectfully solicited.

Dated: March 2, 2005

Respectfully submitted,

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